

AMENDED IN SENATE JULY 9, 2015
AMENDED IN ASSEMBLY APRIL 20, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1236

Introduced by Assembly Members Chiu and Low

February 27, 2015

An act to add Section 65850.7 to the Government Code, relating to local ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, as amended, Chiu. Local ordinances: electric vehicle charging stations.

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning, and provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, that requires payment of a fee and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill would require a city, county, or city and county to approve the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record

that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would provide for appeal of that decision to the planning commission, as specified. The bill would provide that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill would require electric vehicle charging stations to meet specified standards. The bill would require a city, county, or city and county *with a population of 200,000 or more residents* to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. *The bill would require a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017.* By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.7 is added to the Government
2 Code, to read:
3 65850.7. (a) The Legislature finds and declares all of the
4 following:
5 (1) The implementation of consistent statewide standards to
6 achieve the timely and cost-effective installation of electric vehicle
7 charging stations is not a municipal affair, as that term is used in
8 Section 5 of Article XI of the California Constitution, but is instead
9 a matter of statewide concern.
10 (2) It is the intent of the Legislature that local agencies not adopt
11 ordinances that create unreasonable barriers to the installation of
12 electric vehicle charging stations, ~~including, but not limited to,~~
13 ~~design review for aesthetic purposes, stations~~ and not unreasonably

1 restrict the ability of homeowners and agricultural and business
2 concerns to install electric vehicle charging stations.

3 (3) It is the policy of the state to promote and encourage the use
4 of electric vehicle charging stations and to limit obstacles to their
5 use.

6 (4) It is the intent of the Legislature that local agencies comply
7 not only with the language of this section, but also the legislative
8 intent to encourage the installation of electric vehicle charging
9 stations by removing obstacles to, and minimizing costs of,
10 permitting for such charging stations.

11 (b) A city, county, or city and county shall administratively
12 approve an application to install electric vehicle charging stations
13 through the issuance of a building permit or similar
14 nondiscretionary permit. Review of the application to install an
15 electric vehicle charging station shall be limited to the building
16 official's review of whether it meets all health and safety
17 requirements of local, state, and federal law. The requirements of
18 local law shall be limited to those standards and regulations
19 necessary to ensure that the electric vehicle charging station will
20 not have a specific, adverse impact upon the public health or safety.
21 However, if the building official of the city, county, or city and
22 county makes a finding, based on substantial evidence, that the
23 electric vehicle charging station could have a specific, adverse
24 impact upon the public health or safety, the city, county, or city
25 and county may require the applicant to apply for a use permit.

26 (c) A city, county, or city and county may not deny an
27 application for a use permit to install an electric vehicle charging
28 station unless it makes written findings based upon substantial
29 evidence in the record that the proposed installation would have
30 a specific, adverse impact upon the public health or safety, and
31 there is no feasible method to satisfactorily mitigate or avoid the
32 specific, adverse impact. The findings shall include the basis for
33 the rejection of potential feasible alternatives of preventing the
34 adverse impact.

35 (d) The decision of the building official pursuant to subdivisions
36 (b) and (c) may be appealed to the planning commission of the
37 city, county, or city and county.

38 (e) Any conditions imposed on an application to install an
39 electric vehicle charging station shall be designed to mitigate the

1 specific, adverse impact upon the public health or safety at the
2 lowest cost possible.

3 (f) (1) An electric vehicle charging station shall meet applicable
4 health and safety standards and requirements imposed by state and
5 local permitting authorities.

6 (2) An electric vehicle charging station shall meet all applicable
7 safety and performance standards established by the California
8 Electrical Code, the Institute of Electrical and Electronics
9 Engineers, and accredited testing laboratories such as Underwriters
10 Laboratories and, where applicable, rules of the Public Utilities
11 Commission regarding safety and reliability.

12 (g) (1) On or before September 30, 2016, every city, county,
13 or city and ~~county~~; *county with a population of 200,000 or more*
14 *residents, and, on or before September 30, 2017, every city, county,*
15 *or city and county with a population of less than 200,000 residents,*
16 *shall*, in consultation with the local fire department or district and
17 the utility director, if the city, county, or city and county operates
18 a utility, ~~shall~~ adopt an ordinance, consistent with the goals and
19 intent of this section, that creates an expedited, streamlined
20 permitting process for electric vehicle charging stations. In
21 developing an expedited permitting process, the city, county, or
22 city and county shall adopt a checklist of all requirements with
23 which electric vehicle charging station shall comply to be eligible
24 for expedited review. An application that satisfies the information
25 requirements in the checklist, as determined by the city, county,
26 or city and county, shall be deemed complete. Upon confirmation
27 by the city, county, or city and county of the application and
28 supporting documents being complete and meeting the
29 requirements of the checklist, and consistent with the ordinance,
30 a city, county, or city and county shall, consistent with subdivision
31 (b), approve the application and issue all required permits or
32 authorizations. *However, the city, county, or city and county may*
33 *establish a process to prioritize competing applications for*
34 *expedited permits.* Upon receipt of an incomplete application, a
35 city, county, or city and county shall issue a written correction
36 notice detailing all deficiencies in the application and any
37 additional information required to be eligible for expedited permit
38 issuance.

39 (2) The checklist and required permitting documentation shall
40 be published on a publically accessible Internet Web site, if the

1 city, county, or city and county has an Internet Web site, and the
2 city, county, or city and county shall allow for electronic submittal
3 of a permit application and associated documentation, and shall
4 authorize the electronic signature on all forms, applications, and
5 other documentation in lieu of a wet signature by an applicant. In
6 developing the ordinance, the city, county, or city and county shall
7 ~~substantially~~ *reasonably* conform its expedited, streamlined
8 permitting process with the recommendations for expedited
9 permitting, including the checklists and standard plans contained
10 in the most current version of the “Plug-In Electric Vehicle
11 Infrastructure Permitting Checklist” of the “Zero-Emission
12 Vehicles in California: Community Readiness Guidebook”
13 published by the Governor’s Office of Planning and Research. A
14 city, county, or city and county may adopt an ordinance that
15 modifies the checklists and standards found in the guidebook due
16 to unique climactic, geological, seismological, or topographical
17 conditions. If a city, county, or city and county determines that it
18 is unable to authorize the acceptance of an electronic signature on
19 all forms, applications, and other documents in lieu of a wet
20 signature by an applicant, the city, county, or city and county shall
21 state, in the ordinance required under this subdivision, the reasons
22 for its inability to accept electronic signatures and acceptance of
23 an electronic signature shall not be required.

24 (h) A city, county, or city and county shall not condition
25 approval for any electric vehicle charging station permit on the
26 approval of an electric vehicle charging station by an association,
27 as that term is defined in Section 4080 of the Civil Code.

28 (i) The following definitions shall apply to this section:

29 (1) “A feasible method to satisfactorily mitigate or avoid the
30 specific, adverse impact” includes, but is not limited to, any
31 cost-effective method, condition, or mitigation imposed by a city,
32 county, or city and county on another similarly situated application
33 in a prior successful application for a permit.

34 (2) “Electronic submittal” means the utilization of one or more
35 of the following:

36 (A) Email.

37 (B) The Internet.

38 (C) Facsimile.

39 (3) “Electric vehicle charging station” or “charging station”
40 means any level of electric vehicle supply equipment station that

1 is designed and built in compliance with Article 625 of the
2 California Electrical Code, as it reads on the effective date of this
3 section, and delivers electricity from a source outside an electric
4 vehicle into a plug-in electric vehicle.

5 (4) “Specific, adverse impact” means a significant, quantifiable,
6 direct, and unavoidable impact, based on objective, identified, and
7 written public health or safety standards, policies, or conditions
8 as they existed on the date the application was deemed complete.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.